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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTENTION: **OFFICE OF PETITIONS**

DECLARATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Now comes Dr. Klaus Mikulecky who deposes and states:

1. That I am an employee of Clariant Service GmbH in the Patents, Trademarks and Licenses department, and I was the person at Clariant GmbH responsible for filing the patent applications having BASF Aktiengesellschaft reference numbers O.Z. 0050/980402, O.Z. 0050/980410, O.Z. 0050/980412, O.Z. 0050/980417, O.Z. 0050/980429, O.Z. 0050/980430, O.Z. 0050/980440, O.Z. 0050/980441 and O.Z. 0050/980442 in the German patent office at their respective time of filing.
2. That I filed the German application 198 01 933.5 on January 20, 1998 which serves as the priority document for US application number 09/582,217 and that lists German inventors who were living in the United States at the time of invention.
That I filed the German application 198 07 502.2 on February 21, 1998 which serves as the priority document for US application number 09/601,349 and that lists German inventors who were living in the United States at the time of invention.

That I filed the German application 198 07 992.3 on February 26, 1998 which serves as the priority document for US application number 09/622,853 and that lists German inventors who were living in the United States at the time of invention.

That I filed the German application 198 18 852.8 on April 28, 1998 which serves as the priority document for US application number 09/674,263 and that lists German inventors who were living in the United States at the time of invention.

That I filed the German application 198 46 413.4 on October 08, 1998 which serves as the priority document for US application number 09/806,942 and that lists German inventors who were living in the United States at the time of invention.

That I filed the German application 198 46 412.6 on October 08, 1998 which serves as the priority document for US application number 09/806,944 and that lists German inventors who were living in the United States at the time of invention.

That I filed the German application 198 54 574.6 on November 26, 1998 which serves as the priority document for US application number 09/831,920 and that lists German inventors who were living in the United States at the time of invention.

That I filed the German application 198 54 575.4 on November 26, 1998 which serves as the priority document for US application number 09/831,915 and that lists German inventors who were living in the United States at the time of invention.

That I filed the German application 198 54 573.8 on November 26, 1998 which serves as the priority document for US application number 09/831,382 and that lists German inventors who were living in the United States at the time of invention.

3. That, at the time I filed the above mentioned applications in the German Patent Office, because all of the inventors are German citizens, I did not know that a foreign filing license was necessary, and I did not know that when a German citizen, residing in the United States, makes a contribution to an invention during his delegation to the United States, that the

application would have to be filed first in the United States or that a foreign filing license would have to be applied for.

4. I now understand that retroactive foreign filing licenses are required for these cases, and that foreign filing licenses should have been sought prior to filing of the above applications in Germany. This mistake was made honestly, and without deceptive intent on my part.

5. Further deponent saith not.

6. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.



Klaus Mikulecky

April 3, 2002
Date



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